

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (i.e., Claims 1-12 and 15-26) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recalled that the present invention provides a cutting tool having a blade and a member which is biased toward a safety position, in which the member forms a guard for the blade, but which may be displaced for exposing the blade by bringing the tool into cutting contact with a workpiece. The cutting tool includes a locking mechanism having a trigger which must be moved from a first position to a second position to release the guard member from its safety position and which is arranged, so that each time the guard member is released from its safety position, it is displaced through a predetermined distance and then returns to its safety position. The guard member will become locked in place regardless of the position of the trigger.

As explained in greater detail hereinafter, it is respectfully contended that all claims now pending in the application are in condition for allowance at this time.

In the first Office Action, the Examiner has allowed Claims 10-12 and 23-25, and has indicated that the subject

matter of Claims 3-7, 9 and 14-22 is allowable over the prior art.

By the present amendments to the claims, Applicant has cancelled original independent Claim 13, and has substituted therefor new independent Claim 26, which recites the combined subject matter of prior Claims 13 and 14, and which should now be allowable on the basis of the Examiner's indicated allowability of Claim 14. The dependencies of Claims 15-17 and 19 have been amended to now depend from new Claim 26. Claims 26 and 15-22 should now be in condition for allowance with the Examiner's 35 U.S.C. §103(a) obviousness rejection of Claim 13 submitted to now be moot.

As part of the first Office Action, the Examiner had also rejected Claims 1, 2 and 8 as being anticipated, pursuant to 35 U.S.C. §102(e), by Ortner et al., U.S. Patent No. 6,560,873. Ortner et al., an issued U.S. patent, carries a filing date of May 23, 2001, and recites continuation-in-part status based upon an application filed November 12, 1999. Even assuming that Ortner et al. is entitled to a §102(e) prior art date of November 12, 1999, based upon the C-I-P claim it carries, this date would still not antedate Applicant's claimed date of foreign priority, which is April 23, 1999, with a certified copy of Applicant's United Kingdom priority application having been filed with the International Bureau during the P.C.T. international phase of this §371 U.S. patent application.

Accordingly, Applicant respectfully submits that the 35 U.S.C. §102(e) anticipation of Claims 1, 2 and 8, which applies Ortner et al., should be appropriately withdrawn on the ground that Ortner et al. is not properly citable as "prior" art against Applicant's claims.

Claims 1-9, in addition to the other claims now pending in the instant patent application, should therefore be allowed.

Finally, Applicant has entered various amendments into certain claims for improved form. Such additional amendments are submitted to not be substantive and do not alter the allowable (or allowed) status of any of Applicant's claims.

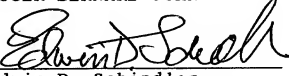
Concerning, finally, the remaining references made of record by the Examiner, but not applied in any rejection of Applicant claims, such additional art references have been carefully considered, but are not believed to adversely affect the patentability of the present invention, as claimed.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (i.e., Claims 1-12 and 15-26) recite a novel and efficient cutting tool having a blade and a member which is biased toward a safety position, in which the member forms a guard for the blade, but which may be displaced for exposing

the blade by bringing the tool into cutting contact with a workpiece, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding rejections and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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- Enc.: 1. Petition for One-Month Extension of time; and,
2. Check for \$55.00 (Extension Fee).

The Commissioner is hereby authorized to charge the Deposit Account of Applicant's Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.